



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

Darrel Bozzo Hunter

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Civil Action No.:

U.S. Supreme Court  
Barack H. Obama  
John McCain  
Democratic Nat. Com.  
Republican Nat. Com.  
U.S. Congress - House  
U.S. Congress - Senate  
U.S. Electoral College  
(All 50 U.S. States)  
District of Columbia  
Federal Election Comm.  
George H. W. Bush

**2-080V-232-J**

## Original District Complaint:

Hunter is not aware of the possible parties that would have a financial interest in the outcome of this case. The case is not about money but about upholding the United States of America's Constitution, U.S. Laws and Regulations, and the lacking of such laws and regulations causing such action. (No certificate of interested persons needed.)

Hunter has been denied fair access to the Supreme Court by the Judiciary Act 1932 giving the right of choice to Justices without regard to the Constitution.

Article III, section 2, paragraph 2 defines the Supreme Court as original jurisdiction, (U.S. Const. Art. III §2 ¶2) for diplomats.

All Supreme Court rules are lacking to such as the Supreme Court clerks have the power to deny cases and hinder justice as in my filed Supreme Court original jurisdiction case mailed on Friday, November 28, 2008, stamped received December 2, 2008 by the Supreme Court clerks or authorized personnel for the clerk. With clearly indicating by motion the need for speed as the Justices set a December 1, 2008 filing deadline for cases related to Donofrio vs. New Jersey case (also thought to be for Berg vs. Obama).

I have clear interest in Obama and McCain being ruled unfit for President according to the requirements set forth in the Constitution, being a Democratic Presidential Primary Candidate, on the New Jersey 2008 primary ballot, attempted being on all fifty states ballots but was unable to afford the cost thereof. Having filed, postmarked, Monday, November 3, 2008 with the FEC as a replacement candidate for President knowing of the other candidates unfit status hearing Berg on the radio for Obama's status.

I refiled with the U.S. Supreme Court again on Friday having made additions to what I thought were obvious details to the previous submissions. As I asked in the petition for the Justices to use their case knowledge in both filings. Most additions came from the Supreme Court Reporter and The Supreme Court Digest. Mailed overnight on Thursday, December 11, 2008, Express Mail, for delivery on Friday 12/12/08.

Since no stay on the Electoral College for Obama and McCain has been issued over the weekend. I can safely assume I have been denied my rights due to laws acting higher than the supreme law, U.S. Const.

I also have been denied due to the lack of adequate money. Knowing paying a filing fee and lawyers get better results. I have had no employment since September of 2005, having been a computer programmer for 22 years with my only fulltime employer. Same with the District Court rules requiring lawyers and proof of service which I cannot afford. The only reason being able to refile to the Supreme Court a second time came from a small amount received because of a family members death. As making copies and mailing just to the Supreme Court costs over a hundred dollars. I also filed for Bankruptcy in July 2008 to stop foreclosure with Chapter 13 which was dismissed for not being employed.

I respectfully pray the U.S. District Court to:

- Place the appropriate stays on the election of unfit candidates; repeal the right of the Supreme Court to pick cases when they are original jurisdiction cases as declared by the Constitution;
- Direct the electors to allow for replacements filed to be voted for (or if only one replacement candidate then just replace Obama with Hunter) as the choices for President;
- Ask for the Federal government to pay for the summons and copies needed for the parties including the Supreme Court and their rules of

states being party, to serve the Governor and Lieutenant Governor in addition to the obvious need for the Secretary of States being over elections and Attorney General over law (while their role should be just a notification and replacement role and not a party of interest) [in first filing I contacted the States by e-mail and web forms for Secretary of State and Governor (asking the Governor's to notify the Lt. Gov.);

- To limit my costs to one dollar;
- To allow me to represent myself (or a court paid attorney licensed for the Supreme Court to help guide by court rules);
- For the sake of time, place the appropriate writs asked for in the second Petition to the Supreme Court and needed by demand of the situation until the Supreme Court can hear its required original jurisdiction case (I thought it was an insult to suggest to the Justices on what they should order and only ask the court as the supreme court clerks seem to ask for knowing that judges are very competent...);
- Ask the Supreme Court to decide on allowing replacement to take office on January 21, 2009 or perhaps an ex-president such as George H. W. Bush to return while the case is decided in its original jurisdiction. Originally I had asked for the current W. to remain in office but he recently has also shown a lack of respect for upholding the Constitution by saying the people wanted Obama because of him raising \$126 million in one month (heard on radio news);
- Immediate relief is needed on the Electoral College voting on unfit candidates.

I am filing as an Emergency filing for obvious reasons regarding U.S. Presidential Elections. The fact that Supreme Court clerks have denied me my right to office is not just and is not based on the Constitution.

Please see the Supreme Court Petitions below for Jurisdiction and other cases and reasoning. The fact section also includes arguments, as at the time of the filing I had no clue as to the difference between facts and arguments (nor can logic explain the difference; but Scalia's book helped). The fact that an argument is 'facts' is fact.

I am adding the Supreme Court motions and the first filing too. Thank you for upholding the Constitution when lawmakers and commissions have failed to.

Plaintiff:  
Darrel Reece Hunter  
PO Box 8712  
Amarillo, TX 79114-8712  
(956) 763-5565  
[hunterforusa@yahoo.com](mailto:hunterforusa@yahoo.com) (Access via public library)

No. \_\_\_\_\_

IN THE SUPREME COURT OF THE  
UNITED STATES OF AMERICA

"IN RE DARREL REECE HUNTER"--  
PETITIONER

VS.

BARACK H. OBAMA, et. al. -- RESPONDENTS

MOTION FOR CASE TO BE HEARD ON ORIGINAL  
RECORD.

The petitioner asks for case to be heard under  
original record as defined for a case on ministers.

U.S. SUPREME COURT CORAM JUDICE

Respectfully,

\_\_\_\_\_  
(Signature)

No. \_\_\_\_\_

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IN THE SUPREME COURT OF THE  
UNITED STATES OF AMERICA

---

“ IN RE DARREL REECE HUNTER ”--  
PETITIONER

VS.

BARACK H. OBAMA, et. al. -- RESPONDENTS

MOTION FOR CASE TO HAVE COSTS FOR  
PETITIONER FIXED AT ONE DOLLAR.

The petitioner asks for cases costs for the petitioner to be fixed at one dollar, because of forma pauperis and the numerous costs involved in original jurisdiction cases, such as joint-appendixes, and mailing each state, Governor, Lieutenant Governor (by rule) and Secretary of States (for election related).

U.S. SUPREME COURT CORAM JUDICE

Respectfully,

---

(Signature)

No. \_\_\_\_\_

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IN THE SUPREME COURT OF THE  
UNITED STATES OF AMERICA

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“ IN RE DARREL REECE HUNTER ”--  
PETITIONER

VS.

BARACK H. OBAMA, et. al. -- RESPONDENTS

MOTION FOR CASE TO BE HEARD ON  
EXTREMELY SHORTEN TIME LIMITS.

The petitioner asks for case to be heard under  
shorten time limits do to the Electoral College voting  
date of December 15, 2008 and Presidential oath of  
office being in January.

The case involves simple proofs of citizenship, births  
and places of residency for qualifications of President.

U.S. SUPREME COURT CORAM JUDICE

Respectfully,

---

(Signature)

No. \_\_\_\_\_

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IN THE SUPREME COURT OF THE  
UNITED STATES OF AMERICA

---

“ IN RE DARREL REECE HUNTER ”--  
PETITIONER

VS.

BARACK H. OBAMA, et. al. -- RESPONDENTS

MOTION FOR LEAVE TO PROCEED  
IN FORMA PAUPERIS

The petitioner asks leave to file the attached petition  
for extraordinary writs without prepayment of costs  
and to proceed in forma pauperis.

Petitioner has not previously been granted leave to  
proceed in forma pauperis in any other court.

U.S. SUPREME COURT CORAM JUDICE

Petitioner affidavit or declaration in support of this motion is  
attached hereto.

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(Signature)

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE  
UNITED STATES OF AMERICA

“ IN RE DARREL REECE HUNTER ”--  
PETITIONER

VS.

BARACK H. OBAMA, et. al. -- RESPONDENTS  
ON PETITION FOR EXTRAORDINARY WRITS

U.S. SUPREME COURT CORAM JUDICE

Cross-Petitions for additional evidence:  
Philip J. Berg vs. Barack Obama, et.al. (08-cv- 04083)

PETITION FOR WRITS

Darrel Reece Hunter

PO Box 8712

Amarillo, TX 79114-8712

(956) 763-5565 hunterforusa@yahoo.com

## QUESTIONS PRESENTED

Should the Judicial Branch keep original jurisdiction supreme when the primary party is a once member of the Congressional Branch, (composed of all fifty states), who the party also has acted as a minister, (diplomat of the Nation, selfimposed), especially since the Senate makes their own rules governing their members which could have by their oath of office avoided allowing those two members (parties in question) from running as Senators for President being Constitutionally unqualified?

Can the Supreme court with original jurisdiction order a trial by jury in the same court or a lower court for finding treason by the minister et. al. or the state(s)?

May the Judicial Branch act swiftly enough to keep jurisdiction on the case, stopping unqualified Presidential candidates from taking office; whether by the most enforceable pre-Electoral College or less likely to succeed preoath of office?

Can the Supreme court order replacements for the unqualified state selected Presidential candidates by selection those that file timely with the Federal Election Commission as a replacement candidate for the Electoral College to vote on, (Petitioner)?

Prevent unfit candidates from taking the oath of office of the President of the United States of America by upholding the Constitution, the whole purpose of the Supreme Court.

Does the Judicial Branch have the power to order expenses outside their rules for the sake of justice; to order exceptions to the rules of consideration for original jurisdiction cases?

Can the court proceed with replacing Electoral College candidates without first charging some of the Parties for treason?

Prevent Obama (Obama/Biden ticket), Democratic Party, from being voted on by electors as being unfit, (all 50 states).

Prevent McCain (McCain/Paulen ticket), Republican Party, from being voted on by electors as being unfit, (all 50 states).

Allow electors to vote for Hunter (Hunter/Williams ticket), Democratic Party filed replacement with FEC, as a replacement for Obama. Still leaving fair access to other qualified candidates such as Ralph Nader that could be elected (all 50 states for Hunter).

If having to vote again, cancelling Dec. 15., because of the clerks unfair actions on December 3, 2008, returning the case for corrections not needed and forms provided but claimed not, or any other day, have prevented stopping the voting of unfit candidates on December 15, 2008 Electoral College, then order the revote to take place on January 14, 2009 (30 days later), or perhaps just since only one Democrat filed as replacement have Hunter replace Obama's votes.

## LIST OF PARTIES

- [ ] All parties appear in the caption of the case on the cover page.
- [X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

### PRIMARYPARTIES:

**BARACK H. OBAMA** (Unfit for President;  
Unqualified birth, raising & citizenship)  
Solicitor General USA, Rm 5614, Dept. of Justice,  
950 Pennsylvania Ave. NW,  
Washington, D.C. 20530-0001

**JOHN McCAIN** (Unfit for President; Unqualified  
birth & raising)  
Solicitor General of the USA (same address as first  
primary party, Obama)

### SECONDARY PARTIES (Wrts, Witnesses, Notifications):

**Federal Election Commission** (Replacement filing,  
Darrel Reece Hunter (DRH))  
Solicitor General of the USA (see party, Obama)

**U.S. Electoral College** (Writ of unfit candidates, writ  
of qualified replacement: DRH)  
Solicitor General of the USA (see party, Obama)

**DNC - DEMOCRATIC NATIONAL COMMITTEE**  
430 S Capitol St. SE, Washington, D.C. 20003

**RNC - REPUBLICAN NATIONAL COMMITTEE**  
316 First Street, Washington, D.C. 20003

**PHILIP J. BERG** (Proofs of Obama birth place being Kenya, & Indonesia citizen; Case:08-cv-04083 Berg vs. Obama, has no standing)

555 Andora Glen Court, Suit 12, Lafayette Hill, PA  
19444-2531

**U.S. CONGRESS** (Wrts for U.S. Code, Senate for unfit & replacement notices)

Solicitor General of the USA (see party, Obama)  
**GEORGE W. BUSH** (Possible Writ to stay in office until matter resolved, up to 2 yrs)

Solicitor General of the USA (see party, Obama)  
**STATE OF ALASKA** (Notice of unfit candidates, add substitutes: Darrel Reece Hunter, Amarillo, Texas)

Lieutenant governor, PO Box 110015, Juneau, AK  
99811-0015

**STATE OF ALABAMA** (Unfit notices, sub Hunter)  
Secretary of State, State House, 600 Dexter Ave.,  
Montgomery, AL 36104

**STATE OF ARKANSAS** (Unfit notices, sub Hunter)  
Secretary of State, 256 State Capitol Bldg., Little Rock, AR 72201

**STATE OF ARIZONA** (Unfit notices, sub Hunter)  
Sec. of S., 7th FL, State Capitol, 1700 W Washington, Phoenix, AZ 85007-2808

**STATE OF CALIFORNIA** (Unfit notices, sub Hunter)  
Secretary of State, 1500 11th St, Sacramento, CA 95814

**STATE OF COLORADO** (Unfit notices, sub Hunter)  
Secretary of State, 1700 Broadway, Suite 250, Denver, CO 80290

**STATE OF CONNECTICUT** (Unfit notices, sub Hunter)  
Secretary of State, State Capitol, Room 104, Hartford, CT 06105

**STATE OF DELAWARE** (Unfit notices, sub Hunter)  
Secretary of State, Townsend Bldg., PO Box 898,  
Dover, DE 19903

**STATE OF FLORIDA** (Unfit notices, sub Hunter)  
Sec, of S., R.A. Gray Bldg., 500 S Bronough, STE  
100, Tallahassee, FL 32399

**STATE OF GEORGIA** (Unfit notices, sub Hunter)  
Secretary of State, State Capitol, Room 214,  
Atlanta, GA 30334

**STATE OF HAWAII** (Unfit notices, sub Hunter)  
Lieutenant Governor, State Capitol, Fifth Floor,  
Honolulu, HI 96813

**STATE OF IOWA** (Unfit notices, sub Hunter)  
Secretary of State, State House, Room 105, Des  
Moines, IA 50319

**STATE OF IDAHO** (Unfit notices, sub Hunter)  
Secretary of State, 304 N 8th St, STE 149, PO Box  
83720, Boise, ID 83720

**STATE OF ILLINOIS** (Unfit notices, sub Hunter)  
Secretary of State, 213 State Capitol, Springfield,  
IL 62756

**STATE OF INDIANA** (Unfit notices, sub Hunter)  
Secretary of State, 201 State House, Indianapolis,  
IN 46204

**STATE OF KANSAS** (Unfit notices, sub Hunter)  
Secretary of State, 120 SW 10 Ave., Memorial  
Hall, Topeka, KS 66612

**STATE OF KENTUCKY** (Unfit notices, sub Hunter)  
Secretary of State, 700 Capital Ave, STE 152,  
Frankfort, KY 40601-3493

**STATE OF LOUISIANA** (Unfit notices, sub Hunter)  
Secretary of State, PO Box 94125, Baton Rouge,  
LA 70804

**STATE OF MASSACHUSETTS** (Unfit notices, sub Hunter)

Secretary of Commonwealth, State House, Room  
337, Boston, MA 02133

**STATE OF MARYLAND** (Unfit notices, sub Hunter)

Secretary of State, State House, Annapolis, MD  
21401

**STATE OF MAINE** (Unfit notices, sub Hunter)

Secretary of State, 148 State House Station,  
Augusta, ME 04333-0148

**STATE OF MICHIGAN** (Unfit notices, sub Hunter)

Secretary of State, 430 W Allegan St, 4 Floor,  
Lansing, MI 48918

**STATE OF MINNESOTA** (Unfit notices, sub Hunter)

Sec. of S., 180 State Office Bldg., 100 King Blvd.,  
Saint Paul, MN 55155-1299

**STATE OF MISSOURI** (Unfit notices, sub Hunter)

Secretary of State, 600 W Main, PO Box 1767,  
Jefferson City, MO 65101

**STATE OF MISSISSIPPI** (Unfit notices, sub Hunter)

Secretary of State, 401 Mississippi St., PO Box 136  
Jackson, MS 39205-0136

**STATE OF MONTANA** (Unfit notices, sub Hunter)

Secretary of State, State Capitol, Room 260,  
Helena, MT 59601

**STATE OF NORTH CAROLINA** (Unfit notices, sub Hunter)

Secretary of State, PO Box 29622, Raleigh, NC  
27626-0622

**STATE OF NORTH DAKOTA** (Unfit notices, sub Hunter)

Secretary of State, 600 E Blvd Dept 108,  
Bismarck, ND 58505-0500

**STATE OF NEBRASKA** (Unfit notices, sub Hunter)

Sec. of State, 1445 K St, STE 2300, PO Box 94608,  
Lincoln, NE 68509-4608

**STATE OF NEW HAMPSHIRE** (Unfit notices, sub Hunter)

Secretary of State, 107 N State St., Concord, NH  
03301

**STATE OF NEW JERSEY** (Unfit notices, sub Hunter)

Secretary of State, PO Box 300, Trenton, NJ  
08625

**STATE OF NEW MEXICO** (Unfit notices, sub Hunter)

Sec. of State, 325 Don Gaspar, STE 300, Capitol  
Annex, Santa Fe, NM 87503

**STATE OF NEVADA** (Unfit notices, sub Hunter)

Secretary of State, 101 N Carson St., STE 3,  
Carson City, NV 89701

**STATE OF NEW YORK** (Unfit notices, sub Hunter)

Secretary of State, 41 State St., Albany, NY 12231

**STATE OF OHIO** (Unfit notices, sub Hunter)

Secretary of State, 180 E Broad St, Columbus, OH  
43266-0418

**STATE OF OKLAHOMA** (Unfit notices, sub Hunter)

Secretary of State, State Capitol, Room 101,  
Oklahoma City, OK 73105

**STATE OF OREGON** (Unfit notices, sub Hunter)

Secretary of State, 136 State Capitol, Salem, OR  
97310

**STATE OF PENNSYLVANIA (Unfit notices, sub Hunter)**

Secretary of State, 302 N Office Bldg, Harrisburg,  
PA 17120

**STATE OF RHODE ISLAND (Unfit notices, sub Hunter)**

Secretary of State, 218 State House, Providence,  
RI 02903

**STATE OF SOUTH CAROLINA (Unfit notices, sub Hunter)**

Secretary of State, PO Box 11350, Columbia, SC  
29211

**STATE OF SOUTH DAKOTA (Unfit notices, sub Hunter)**

Secretary of State, 500 E Capitol Bldg, STE 204,  
Pierre, SD 57501

**STATE OF TENNESSEE (Unfit notices, sub Hunter)**

Secretary of State, First Floor, State Capitol,  
Nashville, TN 37243-0305

**STATE OF TEXAS (Unfit notices, sub Hunter)**

Secretary of State, PO Box 12697, Austin, TX  
78711

**STATE OF UTAH (Unfit notices, sub Hunter)**

Lieutenant Governor, 210 State Capitol Bldg, Salt  
Lake City, UT 84114

**STATE OF VIRGINIA (Unfit notices, sub Hunter)**

Secretary of State, Capitol Square, PO Box 2452,  
Richmond, VA 23201

**STATE OF VERMONT (Unfit notices, sub Hunter)**

Secretary of State, 26 Terrace St., Montpelier, VT  
05609-1101

**STATE OF WASHINGTON** (Unfit notices, sub Hunter)

Sec. of S., Legislative Bldg, 2nd FL, PO Box 40220,  
Olympia, WA 98504-0220

**STATE OF WISCONSIN** (Unfit notices, sub Hunter)

Secretary of State, 9th and 10th Floors, 30 W  
Mifflin St, Madison, WI 53703

**STATE OF WEST VIRGINIA** (Unfit notices, sub Hunter)

Sec. of S., Bldg 1, STE 157K, 1900 Kanawha Blvd.  
E, Charleston, WV 25305

**STATE OF WYOMING** (Unfit notices, sub Hunter)

Secretary of State, State Capitol Bldg, Cheyenne,  
WY 82002

**DISTRICT OF COLUMBIA** (Unfit notices, sub Hunter)

Sec. of Dist., 1350 Pennsylvania Ave NW, STE  
419, Washington, D.C. 20004

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## STATUTES AND RULES

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2 U.S.C. § 431.1 (special election)	-
2 U.S.C. § 431.2 (candidate)	-
26 U.S.C. § 9002.2 (candidate, election fund)	-
26 U.S.C. § 9032.2 (candidate, matching fund)-	
50 U.S.C. 1601-1651 (National Emergencies Act)	
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1925 Judiciary Act	

OTHER

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by Peter Hoffer, W.H. Hoffer, and N.E.H. Hull  
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The Constitution of the United States of America, ©2005  
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by Brian Siegel, Barron's Educational Series, Inc.

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IN THE SUPREME COURT OF THE  
UNITED STATES OF AMERICA

EXTRAORDINARY PETITION FOR WRITS

Petitioner, Hunter, respectfully prays that extraordinary writs be issued for this original jurisdiction case, cross-petitioned to current Supreme Court cases: Philip J. Berg VS. Obama et.al., originally mailed November 28, 2008.

OPINIONS BELOW

NON EST FACTUM

JURISDICTION

U.S. CONSTITUTION DEFINES U.S. SUPREME COURT CORAM JUDICE (within the court's jurisdiction).

Presidential Election occurred on November 4, 2008.

U.S. CONSTITUTION, ARTICLE III, SECTION 2:

".... In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the supreme Court shall have original Jurisdiction...."

All Presidential candidates are also Ministers of the United States of America being diplomats to other nations. Applies to Obama, McCain, and Hunter making an original jurisdiction to the Supreme Court.

The term, "Minister" here in U.S. Const. Art. II, is noscitur a sociis, (a word known by the words with which it is associated). Thus not a preacher but a diplomat.

"Supreme Court is charged with upholding the Constitution" Dimick vs. Schiedt, 293 US 474

Right of petitioner for redress of grievances. U.S. Const. Amend. I

Federal courts have jurisdiction to review a constitutional challenge. Demore vs. Kim 538 U.S. 518 (2003)

The Constitution is the supreme law and that which is not supreme must yield to that which is. Adkins vs. Children's Hospital D.C. 261 U.S. 525

The fact that this is an original jurisdiction case, the Supreme Court should not be allowed the right of rejection of the case as the Taft court requested. For the Constitution is the supreme law and not the Judiciary Act of 1925 by Congress giving the right of selecting cases it wanted to hear. Any original jurisdiction cases must be heard by the Supreme Court.

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

**U.S. Constitution, Article III § 2 ¶ 2:**

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

**U.S. Constitution, Article III § 2 ¶ 3:**

The Trial of all Crimes, except in Cases of Impeachment, shall by by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

**U.S. Constitution, Article II § 1:**

(¶ 1 ) The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, Chosen for the same term, be elected, as follows: (¶ 2).... (¶ 3)[Replaced by the Twelfth Amendment.] (¶ 4)... (¶ 5) No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and

been fourteen Years a Resident within the United States. ¶ 6) [Replaced by the Twenty-fifth Amendment.] ¶ 7)... ¶ 8) Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

U.S. Constitution, Article III § 4:

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

U.S. Constitution, Article IV § 4:

The United States shall guarantee to every State in this Union a Republican Form of government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

U.S. Constitution, Article I § 6 ¶ 2:

No Senator or Representative shall, during the Time of which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

**U.S. Constitution, Article VI:**

(¶ 2) This Constitution and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the contrary notwithstanding.

(¶ 3) The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test Shall ever be required as a Qualification to any Office or public Trust under the United States.

**U.S. Constitution, Article I § 8 ¶ last:**

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

**U.S. Constitution, Amendment XII:**

....But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

**U.S. Constitution, Amendment XIV § 3:**

No person ... or elector of President and Vice President,... to support the Constitution of the U.S. shall have engaged in Insurrection....

**U.S. Constitution, Amendment XX § 1:**

The terms of the President and Vice President shall end at noon on the 20th day of January...

**U.S. Constitution, Amendment I:**

Congress shall make no law...; or the right of the people to peaceably to assemble, and to petition the Government for a redress of grievances.

**U.S. Constitution, Amendment XXII § 1:**

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once....

**U.S. Constitution, Amendment X:**

The powers not delegated to the United by the Constitution, nor prohibited by it to the States, are reserved to the states respectively, or to the people.

## STATEMENT OF CASE

Two United States of America Senators (the major (primary) respondents, Obama and McCain) who were running for the office of President of the United States of America while being unqualified for the office of President or Vice President by the highest law of the land, The U.S. Constitution, ( U.S. Const. Art. VI.), and one replacement candidate, Petitioner, require extraordinary writs and speedy response from the Supreme Court of the United States of America.

Both major respondents together being of the two major parties currently, (2008), in America the Democratic Party and the Republican Party, (common knowledge).

Apparently there is no U.S. Code or Senate rules to stop unqualified candidates from running as neither major respondent was kept off the ballot for the general election.

Obama is an unfit candidate according to news from [www.israelenews.com/view.asp?ID=3324](http://www.israelenews.com/view.asp?ID=3324) "Obama Born In Kenya? His Grandmother Says Yes".

Admissible hearsay, Peyatt vs. Kopp, 189 W. Va. 114 (1993) from a credible witness; and US vs Mitchell, Calif. 5th 1994, 31 F. 3d 271, 275 subs. basis for statement.

Hunter was born and raised in Laredo, Texas, always residing in the State of Texas, born in May 1960.

According to the SparkNotes® on the U.S. Constitution the founders left the electoral college in the Constitution in order to prevent unfit Presidents from taking office. (p. 13, terminology, “Electoral College - A body of representatives appointed by states to cast their votes for president... The framers of the Constitution created the Electoral College out of fear that the whimsical American masses might one day popularly elect someone “unfit” for the presidency.”)

Action is needed by the Court to allow for this original idea to correct the situation of an unfit Presidential candidates before going back to the Congress (if oath of office for Obama takes place) which has failed to protect us from such planned checks and balances.

Both major respondents visited other countries while campaigning for President and other actions, making them diplomats of the United States of America, giving original jurisdiction to the Supreme Court,, (U.S. Const. Art. III. § 2 ¶ 2).

Also, as required for the Primary and General elections for President by the Federal Election Commission, the Petitioner foresaw the problems associated with correcting the unjust actions by the major respondents thus filing for a replacement campaign. The Petitioner who was on the ballot for the New Hampshire Presidential Primary for the Democratic Party.

The Petitioner contacted all fifty United States of America by means of e-mail or Internet web form to

the Secretaries of States (some states being the Lieutenant Governor, one being of commonwealth), then preceding with each state's Democratic State Party; in order to obtain ballot access for the Primary. Only being able to obtain the earliest and cheapest state of New Hampshire ballot. Many states denied fair access to the ballot giving a state officer sole discretion to ballot placement. New Hampshire said the Petitioner was a candidate, with the U.S. code for required reporting said the Petitioner was not because of a five thousand dollar threshold for expenses or receipts.

The President is said to have power over all branches of the government of the United States of America when an emergency is declared, (Jim Marrs book).

The Judicial branch now has control to stop this ignoring of the Constitution by the many parties as the supreme law of America, (U.S. Const. Art. VI. ¶2).

Once the oath of office takes place then Congress can only remove the unfit President by impeachment. What would become of the situation if the Electoral College is allowed to vote on the unfit Presidential candidates?

The electors have been selected for the Electoral College. That process is finished unless the electors rebel. Those electors hopefully must not be allowed to vote for an unfit President in order to uphold the Constitution.

At least one 2008 Presidential Primary candidate,

D.R. Hunter, has filed to be a replacement candidate, the Petitioner, postmarked prior to the election. Any others that filed to be a replacement should be allowed to be voted on by the electors of the Electoral College. It would not be the Petitioner's fault that there may not be others who were led by the Divine or their own forethought to file for being a replacement candidate to campaign for such and so be qualified replacements.

The U.S. Constitution is according to Article VI being the supreme droit écrit, thus any laws quoted by other parties such as Berg VS. Obama (08-cv-04083) as examples of known followings are not supreme to our organic law. For example, McCain's so-called eligible status is not true for by the supreme law, he is not qualified.

There are no provisions in the Constitution to circumvent upholding the Law, which declares McCain and Obama as unqualified to be President or Vice President of the United States of America, (U.S. Const. Art. II. § 1 ¶ 5).

Additionally Obama and McCain are bound by oath to uphold the U.S.A. Constitution both being U.S. Senators at the time of the General Election, (U.S. Const. Art. VI. ¶ 3), and either if elected by oath of office of the President, (U.S. Const. Art. II. §1 ¶8).

The Constitution requires that a Vice President is part of the vote by the electors, (U.S. Const. Amend. XII). The Petitioner also had a Vice President choice suggested on this Primary campaign web site, whom should be considered by the electors (if Brian

Williams, NBC News is qualified) to be Vice President assuming Petitioner is a replacement candidate as filed and qualified.

The Petitioner seeks further extraordinary exemptions allowing the Petitioner to represent himself, in pro hac vice, not being a lawyer and taking into account that, "The Colonial high court judges were laymen, men of affairs and authority in their communities who were acquainted with law but rarely trained in it.", (p. 16 The Supreme Court, An Essential History).

Also asking, Your Honor, to use your case and legal knowledge to assist in upholding the Constitution keeping in mind Article VI, (of course), due to the lack of time and need for speed, and the lack of resources due to poverty and lack of a job for the last three years thereof by the Petitioner, (previously being a computer programmer). Remembering your own knowledge of the elections and campaigns as evidence and testimony to avoid hearsay doctrine arguments, (for example, Obama and McCain both acting as Ministers of the United States of America, being diplomats of the USA, selfappointed as no law requires a Presidential candidate to be a diplomat of the USA to other countries).

The history of the court avoiding politics should be avoided in this case (Petition) because of the clear lack of the major respondents being qualified to be President or Vice President of the United States of America, especially as previously stated that the Judicial Branch currently has control over upholding

the Constitution prior to the Electoral College planned regular voting date of December 15, 2008, and less control up to the oath of office of the President.

Any elector for the Electoral College that rebels against any writ of removal of unfit candidates or addition of replacements should be replaced by their state or disqualified from voting, U.S. Const. Amend. 9 § 3.

Removal of Obama/Biden ticket (President/VP) and McCain/Pulard ticket from available names for electors to vote on. Add replacement ticket, Hunter (Petitioner)/VP choice from primary if VP qualified, Brian Williams, NBC news (but for sure, Darrel Reece Hunter for President).

An order releasing all planned placements by Obama (Cabinet positions). An order requesting current Department heads to voluntarily stay on until a replacement is approved by the Senate

Place a permanent stay on Obama from taking the oath of office. There is no provision for a President to remain in office nor for a temporary replacement, for example Amendment XXV does not cover this extraordinary situation. Obama's unwillingness to cooperate with the court should be enough admission of guilt to prove he knows he was born in Kenya and perhaps as Mr. Berg suggests via his Indonesian citizenship may not even be a citizen of the USA.

## REASONS FOR GRANTING PETITION

Berg vs. Obama, ruled in Pennsylvania District Court has having no standing, but should be reconsidered as having standing for this Petition, using the right granted by Amendment X of the US Constitution for use by Hunter for evidence of Obama's Indonesian citizenship and any other unfit status for Obama such as being born in Kenya. Berg knows of Obama's unfit status but only has standing as the people with no solution for the court to act on because the Constitution and Congress had no rules of prevention of unfit candidates other than the Electoral College. Yet we are sworn to uphold the Constitution which requires people loyal to America to be President by implied birth and citizenships.

Hunter has standing as a valid replacement to an unqualified Obama, just needing the other case as proof of Obama being of an unfit status and a few waivers of the rules of the court to allow fair access to the courts despite being poor. This Petition is a solution as to what to do after the obvious disqualification of Obama and McCain the original major Party choices.

The case of Marbury vs. Madison (1803), 5 US 137, where Marbury obviously did not have a case for original jurisdiction with the Supreme Court, must be reconsidered for returning the power of mandamus. The Marshall court rejects the case, rightfully so; but, the Marshall court begins a tradition of striking down the Judiciary Act of 1789, section 13, that gave the court the power of mandamus.

Marshall's court reasoned again the obvious that the Constitution is the supreme law of the land. But the Constitution gave the power to Congress to pass laws to uphold the Constitution, (U.S. Const., Art I § 8 ¶ last). The Supreme Court has original jurisdiction in some cases, and Congress rightfully gave the court the power of mandamus to uphold that power. This Petition is a prime example of fair use of mandamus.

What right does the Marshall court have in striking down a law of mandamus for the court on a case discharged? Does section 13 of the Judiciary Act of 1789 still give you the right of mandamus for this case? The Supreme Court has the power to start enforcing it for original jurisdiction cases especially related to unfit Presidential candidates.

That U.S. Const. Art. I, § 8 ¶ last, "To make laws.... and all other Powers vested by this Constitution...." along with the power of original jurisdiction should have allowed mandamus for the supreme court.

The problem of equal protection brought fourth before the Supreme Court in Bush vs. Gore (2000), 531 US 98, is not a problem here as common knowledge of informed voters would know where the candidates were born. With that in mind, a Primary candidate for President is above normal in common knowledge and therefore any other candidate President during the Primary would be an informed voter and could have done the same thing Hunter did and file for replacement candidate status too.

Of course a disaster for mandamus would have to

be Scott vs. Sanford (1857), 60 US 393, ordering slavery below a certain line overstepping the Constitution and U.S. Code. That had nothing to do with public service, Ministers, and original jurisdiction of the Supreme Court.

This Petition asks for upholding the supreme law of the land disqualifying the two major political party candidates as being what they are, constitutionally unfit to be President with replacements for the electors to vote for as filed with the FEC (Federal Election Commission) postmarked on or before general election day, (November 4, 2008). While the cutoff is not defined the requirements to file with the FEC are known to candidates that ran for the office of President. Any insight, (forethought), would easily see that, how could the court order any correction without replacement candidates?

The Democratic Party and the Republican Party both choose to just ignore the Constitution along with the candidates and the rest of Congress so it appears. Their opinions should be meaningless, as they wasted our time with unqualified candidates and ignored qualified people like Hunter during the Primary to avoid equal access to running for President according to the law of the Nation.

The Judicial Branch is the only hope for the Constitution here with unfit candidates Obama and McCain and a qualified replacement, Hunter.

If the court were to allow the Electoral College to proceed as scheduled with the unqualified candidates then another extraordinary writ to request the Bush

Administration to stay on until the matter is solved would be needed and refusing to swear in the unqualified candidate, commonly now known as President Elect Obama. For once unfit Obama is sworn into office then the power to enforce the Constitution goes back to Congress, the House to Impeach and the Senate to remove from office, which one could safely assume that would never occur even though they too swore to uphold the Constitution of the USA. There seems to be no hope of upholding oaths of protecting the Constitution left after the Supreme Court's chance to uphold the Constitution.

The time to uphold the Constitution is now and it belongs to the Supreme Court. Bush's elected term would end as the Constitution states but if he were needed to stay on, one could assume he could do so similar to a VP getting up to 2 additional years. This best solution is to remove Obama and McCain tickets from the Electoral College, add the replacements and see you on January 20, 2009.

According to a book by Jim Marrs, a 1976 Senate committee on the termination of national emergencies form in 1973, that also created the National Emergencies Act (50 U.S.C. 1601-1651), found underreported proclamations "give force to 470 provisions of federal law. These hundreds of statutes delegate to the president extraordinary powers, ordinarily exercised by Congress,... Under the powers delegated by these statutes, the president may: seize property; organize and control the means of production; seize and control all transportation and communications; regulate the operation of private enterprise; restrict travel; and in a plethora of

particular ways, control the lives of all American citizens." (Jim Marrs book, p. 337-338.) With us being under the National Emergencies Act since 9/11, (besides the rule of law and upholding the Constitutional requirements for office of the President), can we afford to allow a unfit President who surely knows he is unqualified yet chooses to ignore the law to have these powers?

The fact that the Founders required a President to be a natural born citizen and a resident of America for at least 14 years means that they wanted one to be born to Americans in America and raised in America. The Founders may have thought, "If they went off to college, (Oxford for example), they should be here at least 14 years, (typical 21 year old graduation of college plus 14 equals the 35 year old minimum)". Childhood years are impressionable, as common knowledge (our own experiences from childhood and from raising our own), thus living abroad as a child is the problem the Founders likely wanted to avoid, plus parents not citizens would be a like being born aboard, teaching them to be loyal to another country, language and/or duel allegiances. Despite the obvious, Obama and McCain, are still not qualified by the letter or intent of the Constitutional requirements for President.

Obama, having a foreign father, said to have been born in Kenya then immediately hopping on plane to register in Hawaii, and he became a citizen of Indonesia around the age of 10 according to Berg. There is no reason to require being born in a country if it were not to be influenced by the country. The Founders could have simply said two-thirds of your

childhood in America or some combo like that. Needing info from the two cross-petitioned cases, and if treason were not defined in the Constitution one could surely charge Obama with such having sworn to uphold the Constitution by the Vice President upon becoming a Senator and now trying to overthrow that same document by overt acts of ignoring required qualifications for President.

McCain was born in Panama, which is no longer a territory, while back then prior to Carter giving away the canal it may have been. In any case, it is safe to say he was not raised in America either, being base born, (assumption, but he is not in denial of his birth place or places of living). Needing info from the two cross-petitioned cases to secure the facts of mainly Obama being not qualified as McCain does not deny.

The U.S. Code on defining a Presidential candidate as one with \$5,000.00 in expenses or donations has no bearing on Hunter's status as a candidate. Hunter was on the New Hampshire Presidential Primary as a Democrat. "Unfairness results if indigents are singled out by the State and denied meaningful access to that system ... for poverty", Douglas vs. Calif., 372 US 353 (1963). "The process of qualifying candidates for a place on the ballot may not constitutionally be measured solely in dollars", (and not require fees an indigent cannot pay), Lubin vs. Parish, 415 U.S. 709, 716 (1974).

The Supreme Court must stop unfit candidates Obama and McCain, because of Stone vs. Powell, 428 US 465, 486 (1976), "The primary meaning of the 'judicial integrity' in context of evidentiary rules is

that the courts must not commit or encourage violations of the Constitution....”

The fact that Obama will not produce evidence to confront his unfit status in the Berg case is more than enough evidence to imply guilt. Why not just produce the evidence of citizenship (with respect to being qualified for President) and be done with it? Could it be because he specialized in Constitutional law and knows of his unfit status will not stand if allowed in court?

The Constitution that it may survive rather than perish, (Constitution - Ut magis valent quan pereat).

The court may overturn previous decisions. Michelin Tire Corp. vs. Wages, 423 U.S. 276 (1976) overruling a 104 year old precedent of misreading Chief Justice Toney's opinion of Low vs. Austin. U.S. vs. Scott, 437 U.S. 82 (1978) overruling a 3 year old precedent in the Double Jeopardy Clause of U.S. vs. Jenkins, 420 U.S. 358 (1975) for reasons of vastly increased exposure to the clause. So too here, we now have a valid reason to hear an original jurisdiction case (required case over turning the Taft request of 1925 Judiciary Act) and a valid reason for mandamus reinstating section 13 of the 1789 Judiciary Act.

### **CONCLUSION**

The petition for the requested extraordinary writs  
should be granted.

Respectfully submitted,

---

Darrel Reece Hunter

Date: \_\_\_\_\_

No. \_\_\_\_\_  
\_\_\_\_\_

IN THE SUPREME COURT OF THE  
UNITED STATES OF AMERICA

Darrel Reece Hunter — PETITIONER  
VS.

Barack H. Obama, et. al. — RESPONDENT(S)

**PROOF OF SERVICE**

I, Darrel Reece Hunter, do swear or declare that on this date, December 11, 2008, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR EXTRAORDINARY WRITS on selected parties to the above proceeding or that party's counsel, and on NO each other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them the Solicitor General and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days. The name and address of those served are as follows:

Solicitor General of the United States, Room 5614,  
Department of Justice, 950 Pennsylvania Ave., N.W.,  
Washington, D. C. 20530-0001. (one copy), +DNC, +RNC  
Other parties, as requested by motion to be notified by court  
because of cost reasons. Last time, 11/28/08 e-mailed,  
web-form notified States and Mr. Berg.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 11, 2008

\_\_\_\_\_  
(Signature)

No. \_\_\_\_\_  
\_\_\_\_\_

IN THE  
SUPREME COURT OF THE  
UNITED STATES OF AMERICA

“ IN RE DARREL REECE HUNTER ”--  
PETITIONER

VS.

BARACK H. OBAMA, et. al. -- RESPONDENTS  
ON PETITION FOR EXTRAORDINARY WRITS  
U.S. SUPREME COURT CORAM JUDICE

Cross-Petitions for evidence:  
Leo C. Donofrio vs. New Jersey (12/05/08 conf. schd.)  
Philip J. Berg vs. Barack Obama, et.al. (08-cv- 04083)

PETITION FOR WRITS

Darrel Reece Hunter

PO Box 8712

Amarillo, TX 79114-8712

(956) 763-5565 hunterforusa@yahoo.com

## QUESTIONS PRESENTED

Should the Judicial Branch keep original jurisdiction supreme when the primary party is a once member of the Congressional Branch, (composed of all fifty states), who the party also has acted as a minister, (diplomat of the Nation, selfimposed), especially since the Senate makes their own rules governing their members which could have by their oath of office avoided allowing those two members (parties in question) from running as Senators for President being Constitutionally unqualified?

Can the Supreme court with original jurisdiction order a trial by jury in the same court or a lower court for finding treason by the minister et. al. or the state(s)?

May the Judicial Branch act swiftly enough to keep jurisdiction on the case, stopping unqualified Presidential candidates from taking office; whether by the most enforceable pre-Electoral College or less likely to succeed preoath of office?

Can the Supreme court order replacements for the unqualified state selected Presidential candidates by selection those that file timely with the Federal Election Commission as a replacement candidate for the Electoral College to vote on, (Petitioner)?

Does the actions of a candidate for President reaching out to other countries constitute being a minister (diplomat), and/or with his action as a Congressman or Senator?

Does the Judicial Branch have the power to order expenses outside their rules for the sake of justice; to order exceptions to the rules of consideration for original jurisdiction cases?

Can the court proceed with replacing Electoral College candidates without first charging some of the Parties for treason?

Is, Your Honor, up to the Star Spangled Banner, “.... home of the brave.”, for this would make one the bravest moves ever in Supreme Court history?

In the Presidential primaries many states deny Primary access unless nationally recognized by usually the Secretary of State giving preference to the rich, can candidates have fair and equal access to all states ballots, with a set fee of say \$5,000.00 each for all states?

## LIST OF PARTIES

- All parties appear in the caption of the case on the cover page.
- All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

### PRIMARYPARTIES:

**BARACK H. OBAMA** (Unfit for President;  
Unqualified birth, raising & citizenship)  
Solicitor General USA, Rm 5614, Dept. of Justice,  
950 Pennsylvania Ave. NW,  
Washington, D.C. 20530-0001

**JOHN McCAIN** (Unfit for President; Unqualified  
birth, raising)  
Solicitor General of the USA (same address as  
first primary party, Obama)

### SECONDARYPARTIES (Writs, Witnesses, Notifications):

**Federal Election Commission** (Replacement filing,  
Darrel Reece Hunter (DRH))  
Solicitor General of the USA (same address as  
first primary party, Obama)

**U.S. Electoral College** (Writ of unfit candidates, writ  
of qualified replacement: DRH)  
Solicitor General of the USA (same address as  
first primary party, Obama)

**DNC - DEMOCRATIC NATIONAL COMMITTEE**

430 S Capitol St. SE, Washington, D.C. 20003  
**RNC - REPUBLICAN NATIONAL COMMITTEE**  
316 First Street, Washington, D.C. 20003  
**PHILIP J. BERG** (Proofs of Obama birth place being Kenya, & Indonesia citizen; Case:08-cv-04083 Berg vs. Obama, has no standing)  
555 Andora Glen Court, Suit 12, Lafayette Hill, PA 19444-2531  
**LEO C. DONOFRIO** (vs. New Jersey, case Supreme conf. 12/5/08 )  
(Perhaps additional proof of Obama not qualified)  
**U.S. CONGRESS** (Wrts for U.S. Code, Senate for unfit & replacement notices)  
Solicitor General of the USA (same address as first primary party, Obama)  
**GEORGE W. BUSH** (Possible Writ to stay in office until matter resolved, up to 2 yrs)  
Solicitor General of the USA (same address as first primary party, Obama)  
**STATE OF ALASKA** (Notice of unfit cand., add replacement: Darrel Reece Hunter)  
Lieutenant governor, PO Box 110015, Juneau, AK 99811-0015  
**STATE OF ALABAMA** (Notice of unfit candidates, add replacement: DRH)  
Secretary of State, State House, 600 Dexter Ave., Montgomery, AL 36104  
**STATE OF ARKANSAS** (Notice of unfit candidates, add replacement: DRH)  
Secretary of State, 256 State Capitol Bldg., Little Rock, AR 72201  
**STATE OF ARIZONA** (Notice of unfit candidates, add replacement: DRH)  
Sec. of S., 7th FL, State Capitol, 1700 W

Washington, Phoenix, AZ 85007-2808

**STATE OF CALIFORNIA** (Notice of unfit candidates,  
add replacement: DRH)

Secretary of State, 1500 11th St, Sacramento,  
CA 95814

**STATE OF COLORADO** (Notice of unfit candidates,  
add replacement: DRH)

Secretary of State, 1700 Broadway, Suite 250,  
Denver, CO 80290

**STATE OF CONNECTICUT** (Notice of unfit  
candidates, add replacement: DRH)

Secretary of State, State Capitol, Room 104,  
Hartford, CT 06105

**STATE OF DELAWARE** (Notice of unfit candidates,  
add replacement: DRH)

Secretary of State, Townsend Bldg., PO Box  
898, Dover, DE 19903

**STATE OF FLORIDA** (Notice of unfit candidates, add  
replacement: DRH)

Sec, of S., R.A. Gray Bldg., 500 S Bronough,  
STE 100, Tallahassee, FL 32399

**STATE OF GEORGIA** (Notice of unfit candidates,  
add replacement: DRH)

Secretary of State, State Capitol, Room 214,  
Atlanta, GA 30334

**STATE OF HAWAII** (Notice of unfit candidates, add  
replacement: DRH)

Lieutenant Governor, State Capitol, Fifth  
Floor, Honolulu, HI 96813

**STATE OF IOWA** (Notice of unfit candidates, add  
replacement: DRH)

Secretary of State, State House, Room 105, Des  
Moines, IA 50319

**STATE OF IDAHO** (Notice of unfit candidates, add  
replacement: DRH)

Secretary of State, 304 N 8th St, STE 149, PO  
Box 83720, Boise, ID 83720  
**STATE OF ILLINOIS** (Notice of unfit candidates, add  
replacement: DRH)  
Secretary of State, 213 State Capitol,  
Springfield, IL 62756  
**STATE OF INDIANA** (Notice of unfit candidates, add  
replacement: DRH)  
Secretary of State, 201 State House,  
Indianapolis, IN 46204  
**STATE OF KANSAS** (Notice of unfit candidates, add  
replacement: DRH)  
Secretary of State, 120 SW 10 Ave., Memorial  
Hall, Topeka, KS 66612  
**STATE OF KENTUCKY** (Notice of unfit candidates,  
add replacement: DRH)  
Secretary of State, 700 Capital Ave, STE 152,  
Frankfort, KY 40601-3493  
**STATE OF LOUISIANA** (Notice of unfit candidates,  
add replacement: DRH)  
Secretary of State, PO Box 94125, Baton  
Rouge, LA 70804  
**STATE OF MASSACHUSETTS** (Notice of unfit  
candidates, add replacement: DRH)  
Secretary of Commonwealth, State House,  
Room 337, Boston, MA 02133  
**STATE OF MARYLAND** (Notice of unfit candidates,  
add replacement: DRH)  
Secretary of State, State House, Annapolis, MD  
21401  
**STATE OF MAINE** (Notice of unfit candidates, add  
replacement: DRH)  
Secretary of State, 148 State House Station,  
Augusta, ME 04333-0148  
**STATE OF MICHIGAN** (Notice of unfit candidates,

add replacement: DRH)

Secretary of State, 430 W Allegan St, 4 Floor,  
Lansing, MI 48918

**STATE OF MINNESOTA** (Notice of unfit candidates,  
add replacement: DRH)

Sec. of S., 180 State Office Bldg., 100 King  
Blvd., Saint Paul, MN 55155-1299

**STATE OF MISSOURI** (Notice of unfit candidates,  
add replacement: DRH)

Secretary of State, 600 W Main, PO Box 1767,  
Jefferson City, MO 65101

**STATE OF MISSISSIPPI** (Notice of unfit candidates,  
add replacement: DRH)

Secretary of State, 401 Mississippi St., PO Box  
136 Jackson, MS 39205-0136

**STATE OF MONTANA** (Notice of unfit candidates,  
add replacement: DRH)

Secretary of State, State Capitol, Room 260,  
Helena, MT 59601

**STATE OF NORTH CAROLINA** (Notice of unfit  
candidates, add replacement: DRH)

Secretary of State, PO Box 29622, Raleigh, NC  
27626-0622

**STATE OF NORTH DAKOTA** (Notice of unfit  
candidates, add replacement: DRH)

Secretary of State, 600 E Blvd Dept 108,  
Bismarck, ND 58505-0500

**STATE OF NEBRASKA** (Notice of unfit candidates,  
add replacement: DRH)

Sec. of State, 1445 K St, STE 2300, PO Box  
94608, Lincoln, NE 68509-4608

**STATE OF NEW HAMPSHIRE** (Notice of unfit  
candidates, add replacement: DRH)

Secretary of State, 107 N State St., Concord,  
NH 03301

**STATE OF NEW JERSEY** (Notice of unfit candidates, add replacement: DRH)

Secretary of State, PO Box 300, Trenton, NJ  
08625

**STATE OF NEW MEXICO** (Notice of unfit candidates, add replacement: DRH)

Sec. of State, 325 Don Gaspar, STE 300,  
Capitol Annex, Santa Fe, NM 87503

**STATE OF NEVADA** (Notice of unfit candidates, add replacement: DRH)

Secretary of State, 101 N Carson St., STE 3,  
Carson City, NV 89701

**STATE OF NEW YORK** (Notice of unfit candidates, add replacement: DRH)

Secretary of State, 41 State St., Albany, NY  
12231

**STATE OF OHIO** (Notice of unfit candidates, add replacement: DRH)

Secretary of State, 180 E Broad St, Columbus,  
OH 43266-0418

**STATE OF OKLAHOMA** (Notice of unfit candidates, add replacement: DRH)

Secretary of State, State Capitol, Room 101,  
Oklahoma City, OK 73105

**STATE OF OREGON** (Notice of unfit candidates, add replacement: DRH)

Secretary of State, 136 State Capitol, Salem,  
OR 97310

**STATE OF PENNSYLVANIA** (Notice of unfit candidates, add replacement: DRH)

Secretary of State, 302 N Office Bldg,  
Harrisburg, PA 17120

**STATE OF RHODE ISLAND** (Notice of unfit candidates, add replacement: DRH)

Secretary of State, 218 State House,

Providence, RI 02903  
**STATE OF SOUTH CAROLINA** (Notice of unfit candidates, add replacement: DRH)  
Secretary of State, PO Box 11350, Colombia,  
SC 29211  
**STATE OF SOUTH DAKOTA** (Notice of unfit candidates, add replacement: DRH)  
Secretary of State, 500 E Capitol Bldg, STE 204, Pierre, SD 57501  
**STATE OF TENNESSEE** (Notice of unfit candidates, add replacement: DRH)  
Secretary of State, First Floor, State Capitol, Nashville, TN 37243-0305  
**STATE OF TEXAS** (Notice of unfit candidates, add replacement: DRH)  
Secretary of State, PO Box 12697, Austin, TX 78711  
**STATE OF UTAH** (Notice of unfit candidates, add replacement: DRH)  
Lieutenant Governor, 210 State Capitol Bldg, Salt Lake City, UT 84114  
**STATE OF VIRGINIA** (Notice of unfit candidates, add replacement: DRH)  
Secretary of State, Capitol Square, PO Box 2452, Richmond, VA 23201  
**STATE OF VERMONT** (Notice of unfit candidates, add replacement: DRH)  
Secretary of State, 26 Terrace St., Montpelier, VT 05609-1101  
**STATE OF WASHINGTON** (Notice of unfit candidates, add replacement: DRH)  
Sec. of S., Legislative Bldg, 2nd FL, PO Box 40220, Olympia, WA 98504-0220  
**STATE OF WISCONSIN** (Notice of unfit candidates, add replacement: DRH)

Secretary of State, 9th and 10th Floors, 30 W  
Mifflin St, Madison, WI 53703  
**STATE OF WEST VIRGINIA** (Notice of unfit  
candidates, add replacement: DRH)  
Sec. of S., Bldg 1, STE 157K, 1900 Kanawha  
Blvd. E, Charleston, WV 25305  
**STATE OF WYOMING** (Notice of unfit candidates,  
add replacement: DRH)  
Secretary of State, State Capitol Bldg,  
Cheyenne, WY 82002  
**DISTRICT OF COLUMBIA** (Notice of unfit  
candidates, add replacement: DRH)  
Sec. of Dist., 1350 Pennsylvania Ave NW, STE  
419, Washington, D.C. 20004

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2 U.S.C. § 431.2 (candidate)	- -
26 U.S.C. § 9002.2 (candidate, election fund)	-
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50 U.S.C. 1601-1651 (National Emergencies Act)	

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IN THE SUPREME COURT OF THE  
UNITED STATES OF AMERICA

EXTRAORDINARY PETITION FOR WRITS

Petitioner respectfully prays to the Divine that extraordinary writs be issued for original jurisdiction case, cross-petitioned to current Supreme Court cases: Leo C. Donofrio VS. New Jersey and Philip Berg VS. Obama et.al.

OPINIONS BELOW

NON EST FACTUM

JURISDICTION

U.S. CONSTITUTION DEFINES U.S. SUPREME COURT CORAM JUDICE.

Presidential Election occurred on November 4, 2008.

U.S. CONSTITUTION, ARTICLE III, SECTION 2:

“.... In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the supreme Court shall have original Jurisdiction....”

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

### **U.S. Constitution, Article III § 2 ¶ 2:**

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

### **U.S. Constitution, Article III § 2 ¶ 3:**

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

### **U.S. Constitution, Article II § 1:**

(¶ 1) The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, Chosen for the same term, be elected, as follows: (¶ 2).... (¶ 3)[Replaced by the Twelfth Amendment.] (¶ 4)... (¶ 5) No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and

been fourteen Years a Resident within the United States. (¶ 6) [Replaced by the Twenty-fifth Amendment.] (¶ 7)... (¶ 8) Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

**U.S. Constitution, Article III § 4:**

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

**U.S. Constitution, Article IV § 4:**

The United States shall guarantee to every State in this Union a Republican Form of government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

**U.S. Constitution, Article I § 6 ¶ 2:**

No Senator or Representative shall, during the Time of which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

**U.S. Constitution, Article VI:**

(¶ 2) This Constitution and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the contrary notwithstanding.

(¶ 3) The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test Shall ever by required as a Qualification to any Office or public Trust under the United States.

**U.S. Constitution, Article I § 8 ¶ last:**

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

**U.S. Constitution, Amendment XII:**

....But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

**U.S. Constitution, Amendment XIV § 3:**

No person ... or elector of President and Vice President,... to support the Constitution of the U.S. shall have engaged in Insurrection....

**U.S. Constitution, Amendment XX § 1:**

The terms of the President and Vice President shall end at noon on the 20th day of January...

**U.S. Constitution, Amendment XXII § 1:**

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once....

## STATEMENT OF CASE

Two United States of America Senators (the major (primary) respondents, Obama and McCain) who were running for the office of President of the United States of America while being unqualified for the office of President or Vice President by the highest law of the land, The U.S. Constitution, ( U.S. Const. Art. VI.), and one replacement candidate, Petitioner, require extraordinary writs and speedy response from the Supreme Court of the United States of America.

Both major respondents together being of the two major parties currently, (2008), in America the Democratic Party and the Republican Party, (common knowledge).

Apparently there is no U.S. Code or Senate rules to stop unqualified candidates from running as neither major respondent was kept off the ballot for the general election.

According to the SparkNotes® on the U.S. Constitution the founders left the electoral college in the Constitution in order to prevent unfit Presidents from taking office. (p. 13, terminology, “Electoral College - A body of representatives appointed by states to cast their votes for president... The framers of the Constitution created the Electoral College out of fear that the whimsical American masses might one day popularly elect someone “unfit” for the presidency.”)

Action is needed by the Court to allow for this original idea to correct the stitution of an unfit

Presidential candidates before going back to the Congress (if oath of office for Obama takes place) which has failed to protect us from such planned checks and balances.

Both major respondents visited other countries while campaigning for President and other actions, making them diplomats of the United States of America, giving original jurisdiction to the Supreme Court., (U.S. Const. Art. III. § 2 ¶ 2).

Also, as required for the Primary and General elections for President by the Federal Election Commission, the Petitioner foresaw the problems associated with correcting the unjust actions by the major respondents thus filing for a replacement campaign. The Petitioner who was on the ballot for the New Hampshire Presidential Primary for the Democratic Party.

The Petitioner contacted all fifty United States of America by means of e-mail or Internet web form to the Secretaries of States (some states being the Lieutenant Governor, one being of commonwealth), then preceding with each state's Democratic State Party; in order to obtain ballot access for the Primary. Only being able to obtain the earliest and cheapest state of New Hampshire ballot. Many states denied fair access to the ballot giving a state officer sole discretion to ballot placement. New Hampshire said the Petitioner was a candidate, with the U.S. code for required reporting said the Petitioner was not because of a five thousand dollar threshold for expenses or receipts.

The President is said to have power over all branches of the government of the United States of America when an emergency is declared, (Jim Marrs book).

The Judicial branch now has control to stop this ignoring of the Constitution by the many parties as the supreme law of America, (U.S. Const. Art. VI. ¶2).

Once the oath of office takes place then Congress can only remove the unfit President by impeachment. What would become of the situation if the Electoral College is allowed to vote on the unfit Presidential candidates?

The electors have been selected for the Electoral College. That process is finished unless the electors rebel. Those electors hopefully must not be allowed to vote for an unfit President in order to uphold the Constitution.

At least one 2008 Presidential Primary candidate, D.R. Hunter, has filed to be a replacement candidate, the Petitioner, postmarked prior to the election. Any others that filed to be a replacement should be allowed to be voted on by the electors of the Electoral College. It would not be the Petitioner's fault that there may not be others who were led by the Divine or their own forethought to file for being a replacement candidate to campaign for such and so be qualified replacements.

The U.S. Constitution is according to Article VI being the supreme droit écrit, thus any laws quoted by other parties such as Berg VS. Obama

(08-cv-04083) as examples of known followings are not supreme to our organic law. For example, McCain's so-called eligible status is not true for by the supreme law, he is not qualified.

There are no provisions in the Constitution to circumvent upholding the Law, which declares McCain and Obama as unqualified to be President or Vice President of the United States of America, (U.S. Const. Art. II. § 1 ¶ 5).

Additionally Obama and McCain are bound by oath to uphold the U.S.A. Constitution both being U.S. Senators at the time of the General Election, (U.S. Const. Art. VI. ¶ 3).

The Constitution requires that a Vice President is part of the vote by the electors, (U.S. Const. Amend. XII). The Petitioner also had a Vice President choice suggested on this Primary campaign web site, whom should be considered by the electors (if Brian Williams, NBC News is qualified) to be Vice President assuming Petitioner is a replacement candidate as filed and qualified.

The Petitioner seeks further extraordinary exemptions allowing the Petitioner to represent himself, in pro hac vice, not being a lawyer and taking into account that, "The Colonial high court judges were laymen, men of affairs and authority in their communities who were acquainted with law but rarely trained in it.", (p. 16 The Supreme Court, An Essential History).

Also asking, Your Honor, to use your case and

legal knowledge to assist in upholding the Constitution keeping in mind Article VI, (of course), due to the lack of time and need for speed, and the lack of resources due to poverty and lack of a job for the last three years thereof by the Petitioner, (previously being a computer programmer). Remembering your own knowledge of the elections and campaigns as evidence and testimony to avoid hearsay doctrine arguments, (for example, Obama and McCain both acting as Ministers of the United States of America, being diplomats of the USA, selfappointed as no law requires a Presidential candidate to be a diplomat of the USA to other countries).

The history of the court avoiding politics should be avoided in this case (Petition) because of the clear lack of the major respondents being qualified to be President or Vice President of the United States of America, especially as previously stated that the Judicial Branch currently has control over upholding the Constitution prior to the Electoral College planned regular voting date of December 15, 2008, and less control up to the oath of office of the President.

Any elector for the Electoral College that rebels against any writ of removal of unfit candidates or addition of replacements should be replaced by their state or disqualified from voting, U.S. Const. Amend. 9 § 3.

Removal of Obama/Biden ticket (President/VP) and McCain/Pulard ticket from available names for electors to vote on. Add replacement ticket, Hunter

(Petitioner)/VP choice from primary if VP qualified, Brian Williams, NBC news (but for sure, Darrel Reece Hunter for President).

An order releasing all planned placements by Obama (Cabinet positions). An order requesting current Department heads to voluntarily stay on until a replacement is approved by the Senate

Place a permanent stay on Obama from taking the oath of office. There is no provision for a President to remain in office nor for a temporary replacement, for example Amendment XXV does not cover this extraordinary situation. Obama's unwillingness to cooperate with the court should be enough admission of guilt to prove he knows he was born in Kenya and perhaps as Mr. Berg suggests via his Indonesian citizenship may not even be a citizen of the USA.

## REASONS FOR GRANTING PETITION

Unlike two other cases before the Supreme Court, Leo C. Donofrio vs. New Jersey in which a December 5, 2008 Supreme Court Justice conference is scheduled, where Donofrio has a slight standing as a citizen of New Jersey, and Berg vs. Obama, et.al. in which Berg has no standing, the Petitioner of this Petition (Hunter vs. Obama) has legal standing as a valid replacement to an unqualified Obama, just needing the other cases as proof of Obama, et. al. unqualified status and a few waivers of the rules of the court. This Petition is a solution as to what to do after the obvious disqualification of Obama and McCain.

The case of Marbury vs. Madison (1803), 5 US 137, where Marbury obviously did not have a case for original jurisdiction with the Supreme Court, must be reconsidered. The Marshall court rejects the case, rightfully so; but, the Marshall court begins a tradition of striking down the Judiciary Act of 1789, section 13, giving the court the power of mandamus.

Marshall's court reasoned again the obvious that the Constitution is the supreme law of the land. But the Constitution gave the power to Congress to pass laws to uphold the Constitution, (U.S. Const., Art I § 8 ¶ last). The Supreme Court has original jurisdiction in some cases, and Congress rightfully gave the court the power of mandamus to uphold that power. What right does the Marshall court have in striking down a law of mandamus for the court on a case discharged? Does section 13 of the Judiciary Act of 1789 still give you the right of mandamus for this case? It seems like

you have the power to start enforcing it for original jurisdiction cases.

I have not the resources to contend with the deadline of December 1, 2008 for a cutoff of Leo C. Donofrio vs. New Jersey and lookup to see if Congress actually has blocked section 13 of the Judiciary Act of 1789, but it is my understanding from the listed books that it is still on the books, and therefore a valid reason to use is this Petition for extraordinary writs. That U.S. Const. Art. I, § 8 ¶ last, "To make laws.... and all other Powers vested by this Constitution...." along with the power of original jurisdiction should have allowed mandamus for the supreme court.

The problem of equal protection brought fourth before the Supreme Court in Bush vs. Gore (2000), 531 US 98, is not a problem here as common knowledge of informed voters would know where the candidates were born. With that in mind, a Primary candidate for President is above normal in common knowledge and therefore any other candidate could have done the same thing the Petitioner did and file for replacement candidate status too.

Of course a disaster for mandamus would have to be Scott vs. Sanford (1857), 60 US 393, ordering slavery below a certain line overstepping the Constitution and U.S. Code.

This Petition asks for upholding the supreme law of the land disqualifying the two major political party candidates as being what they are, constitutionally unfit to be President with replacements for the

electors to vote for as filed with the FEC (Federal Election Commission) postmarked on or before general election day. While the cutoff is not defined the requirements to file with the FEC are known to candidates that ran for the office of President. Any insight (forethought) would easily see that, how could the court order any correction without replacement candidates?

The Democratic Party and the Republican Party both choose to just ignore the Constitution along with the candidates and the rest of Congress to it appears. Their opinions should be meaningless, as they wasted our time with unqualified candidates and ignore qualified people like the Petitioner during the Primary to avoid equal access to running for President according to the law of the Nation.

The Judicial Branch is the only hope for the Constitution here with these unqualified candidates and a qualified replacement.

If the court were to allow the Electoral College to proceed as scheduled with the unqualified candidates then another extraordinary writ to request the Bush Administration to stay on until the matter is solved would be needed and refusing to swear in the unqualified candidate, commonly now known as President Elect Obama. For once he is sworn into office then the power to enforce the Constitution goes back to Congress, the House to Impeach and the Senate to remove from office, which one could safely assume that would never occur even though they too swore to uphold the Constitution of the USA.

The time to uphold the Constitution is now and it belongs to the Supreme Court. Bush's elected term would end as the Constitution states but if he were needed to stay on, one could assume he could do so similar to a VP getting up to 2 additional years. This best solution is to remove Obama and McCain tickets from the Electoral College, add the replacements and see you on January 20, 2009.

According to a book by Jim Marrs, a 1976 Senate committee on the termination of national emergencies form in 1973, that also created the National Emergencies Act (50 U.S.C. 1601-1651), found underreported proclamations "give force to 470 provisions of federal law. These hundreds of statutes delegate to the president extraordinary powers, ordinarily exercised by Congress,.... Under the powers delegated by these statutes, the president may: seize property; organize and control the means of production; seize and control all transportation and communications; regulate the operation of private enterprise; restrict travel; and in a plethora of particular ways, control the lives of all American citizens." (Jim Marrs book, p. 337-338.) With us being under the National Emergencies Act since 9/11, (besides the rule of law and upholding the Constitutional requirements for office of the President), can we afford to allow a unfit President who surely knows he is unqualified yet chooses to ignore the law to have these powers?

The fact that the Founders required a President to be a natural born citizen and a resident of America for at least 14 years means that they wanted one to be born to Americans in America and raised in America.

The Founders may have thought, "If they went off to college, (Oxford for example), they should be here at least 14 years, (typical 21 year old graduation of college plus 14 equals the 35 year old minimum)". Childhood years are impressionable, as common knowledge (our own experiences from childhood and from raising our own), thus living abroad as a child is the problem the Founders likely wanted to avoid, plus parents not citizens would be a like being born aboard, teaching them to be loyal to another country, language and/or duel allegiances. Despite the obvious, Obama and McCain, are still not qualified by the letter or intent of the Constitutional requirements for President.

Obama, having a foreign father, said to have been born in Kenya then immediately hopping on plane to register in Hawaii, and he became a citizen of Indonesia around the age of 10 according to Berg. There is no reason to require being born in a country if it were not to be influenced by the country. The Founders could have simply said two-thirds of your childhood in America or some combo like that. Needing info from the two cross-petitioned cases, and if treason were not defined in the Constitution one could surely charge Obama with such having sworn to uphold the Constitution by the Vice President upon becoming a Senator and now trying to overthrow that same document by overt acts of ignoring required qualifications for President.

McCain was born in Panama, which is no longer a territory, while back then prior to Carter giving away the canal it may have been. In any case, it is safe to say he was not raised in America either, being base

born, (assumption, but he is not in denial of his birth place or places of living). Needing info from the two cross-petitioned cases to secure the facts of mainly Obama being not qualified as McCain does not deny.

### CONCLUSION

The petition for the requested extraordinary writs should be granted.

Respectfully submitted,

---

Darrel Reece Hunter

Date: \_\_\_\_\_